

SUPREME COURT OF ARKANSAS

No.

Opinion Delivered 6-29-06

IN RE: PUBLICATION OF THE
ARKANSAS REPORTS

PER CURIAM

In 2003, a *per curiam* order discussed the issues confronting the court with the continued publication of the *Arkansas Reports*. See *In Re Publication of the Arkansas Reports*, 352 Ark. Appx. 581 (2003). At that time, we noted judges and attorneys have come to rely increasingly on the electronic version of the law reports and that Internet use has had a major impact on the research methods of attorneys and the practice of law in Arkansas. In response to our *per curiam* order, some attorneys expressed their attachment to the *Arkansas Reports* and others indicated a preference for the electronic medium.

We also pointed out that there were budget concerns related to publishing the *Arkansas Reports*. Three years later, the monetary issue has become paramount. Currently, there are less than 100 subscribers to the *Arkansas Reports*, and there is great expense to the state in publishing and distributing it. By statute, a great number of volumes must be furnished by the court to a variety of governmental entities, and with the modest number of subscribers, there is less revenue to offset the expense. See Ark Code Ann. § 25-18-210, *et seq.* Consequently, to continue current practice, there will need to be a substantial increase in the state appropriation, which may not be prudent in light of the small market for the publication.

A number of states have discontinued publication of official state reports. *See Mersky & Dunn, Fundamentals of Legal Research* 775 (8th ed. 2002). Our research indicates that these states typically designate a legal publisher as the official reporter, or the appellate court releases an electronic version as the official report. These options may be popular with the Arkansas legal community in light of the number of lawyers already using the Internet for legal research, as well as the availability of the *Southwestern Reporter*. These options, when combined with the financial concerns, suggest possible solutions to this problem if the General Assembly is not persuaded that this expense to the state continues to be justified.

More study needs to be made as to the best alternative for Arkansas, but we wanted to take this opportunity to update the bench and bar of Arkansas concerning this situation. The court will continue to weigh the options and keep the legal community informed, but all should be on notice that some change may be in the offing.